

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LOREN DATA CORP. ,	:	
	:	
	:	
v.	:	Civil Action No. 10-cv-03474-DKC
	:	
GXS, INC. ,	:	
	:	
	:	
Defendant.	:	

**PROTECTIVE MOTION FOR RECONSIDERATION AND TO
AMEND ORDER OR, ALTERNATIVELY, TO EXTEND TIME FOR APPEAL**

Plaintiff Loren Data Corp., by counsel, respectfully moves the Court for the following relief in connection with its Order dated August 9, 2011 dismissing this civil antitrust action (ECF No. 21 (“Order”)):

1. Reconsideration of the Order pursuant to Local Rule 105(10) because neither the Order nor the Court’s accompanying Opinion specified whether dismissal of counts I-V of the Complaint for failure to state a claim for relief was without prejudice to amend.
2. To alter or amend the Court’s Order under Rules 59 and 60 of the Federal Rules of Civil Procedure (Fed. R. Civ. P. 59(e), 60(a)) to state whether the dismissal was with or without prejudice.
3. Alternatively, to extend the time for appeal pursuant to Rule 4 of the Federal Rules of Appellate Procedure (Fed. R. App. P. 4(a)(5)) until the later of 30 days after entry of judgment or 14 days after the Court decides Plaintiff’s pending Motion for Clarification (ECF No. 24).

The grounds for this Motion are set forth in the accompanying Memorandum of Law. Loren Data seeks this relief solely as a protective matter in order not to waive or default on its

right to appeal if the Court determines that further amendment is not to be permitted, and the Motion may be denied as moot if Plaintiff's earlier Motion for Clarification is granted favorably to Plaintiff.

Respectfully submitted,

By: /s/ Christopher W. Mahoney
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Counsel for Plaintiff Loren Data Corp.

Dated: August 23, 2011

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on counsel for defendant GXS, Inc., by filing a copy thereof with the Court's ECF system, which automatically sends a notice of filing to registered counsel, and also by mailing a copy thereof via United States mail, postage prepaid, addressed to the following:

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/s/ Tara Coleman
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